IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

FRIDAY, THE FIFTH DAY OF JANUARY
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION Nos.222, 223 AND 224 OF 2007

WRIT PETITION No.222 OF 2007

Between:

M/s.Prasad Film Laboratories Pvt. Ltd.,
Banjara Hills, rep. by its Director
Sri A.Ramesh, and another.

..... PETITIONERS

AND

The Assistant Commissioner of Income Tax,
Circle-14(2), Hyderabad and another.

....RESPONDENTS

WRIT PETITION No.223 OF 2007

Between:

M/s.Prasad Film Laboratories Pvt. Ltd.,
Banjara Hills, rep. by its Director
Sri A.Ramesh, and another.

..... PETITIONERS

AND

The Assistant Commissioner of Income Tax,
Circle-14(2), Hyderabad and another.

....RESPONDENTS

WRIT PETITION No.224 OF 2007

Between:

M/s.Prasad Film Laboratories Pvt. Ltd.,
Banjara Hills, rep. by its Director

Sri A.Ramesh, and another.

..... PETITIONERS

AND

The Assistant Commissioner of Income Tax,
Circle-14(2), Hyderabad and another.

....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

WRIT PETITION Nos.222, 223 AND 224 OF 2006

C O M M O N O R D E R
(Per Sri Justice J.Chelameswar)

Aggrieved by an order of the Income Tax Appellate Tribunal dated 29.12.2006 the unsuccessful petitioners therein, who are the appellants in ITA No.1075 to 1078/Hyd/2006 filed these writ petitions. It may not be necessary to go into the factual details or the merits of the appeal except to state that by the impugned order the Tribunal declined to grant an interim order of stay of recovery of the amounts (both tax and interest) during the pendency of the above-mentioned appeals.

In substance, the amount in dispute is Rs.1,82,15,294/- as against this admittedly the petitioner is entitled to refund of an amount approximately of Rs.80,00,000/- although with reference to assessment years other than which are concerned with the above-mentioned appeals.

Heard the learned counsel for the petitioners and the learned Senior Counsel appearing for the respondents.

Counter-affidavit is already filed in all these writ petitions at this stage by the respondents.

Having regard to the totality of the circumstances mentioned above, we

are of the opinion that all these writ petitions can be disposed of at the admission stage itself by directing the respondents not to take any coercive steps for recovery of the amounts, which are the subject matter of dispute in the abovementioned appeals, on condition the petitioner deposits an amount of Rs.40,00,000/- within a period of six weeks from today and the said amount shall either be appropriated by the respondents or refund it to the petitioners depending on the outcome of the abovementioned appeals, in accordance with law. However, both the learned counsel appearing on either side agreed atleast on one point that the appeals are required to be disposed of at an early date. Therefore, we direct the Tribunal to dispose of the abovementioned appeals as expeditiously as possible, preferably on or before 15th March, 2007.

With the above, all these writ petitions are disposed of.

JUSTICE J.CHELAMESWAR

JUSTICE D.APPA RAO

5th JANUARY, 2007
PGS

THE HON'BLE MR JUSTICE
J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE
D.APPA RAO

WRIT PETITION Nos.222, 223 AND 224 OF 2007

5TH JANUARY, 2007